

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 2478 of 1997

in

SPECIAL CIVIL APPLICATION No 9607 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE R.P.DHOLAKIA

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RATHOD JIVANBHAI GHELABHAI

Versus

BK SINHA - MUNICIPAL COMMISSIONER

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Appearance:

MR JK PARMAR for Petitioners

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CORAM : MR.JUSTICE B.C.PATEL and  
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 16/03/98

ORAL JUDGEMENT

The petitioner has hurriedly filed this petition inter alia making allegations that the respondents have disobeyed the directions given by learned Single Judge (Coram: M.R. Calla, J.) on 21.2.1997 in Spl. C.A. No. 9607/96.

2. While passing the aforesaid interim order, the learned Single Judge has directed that:

" .... In the facts and circumstances of the case, it is directed that the petitioners' case for appointment on the post of Mukadam shall also be considered in case vacancies are available and the candidates upto 28 in the waiting list have already been appointed and the orders shall be

issued accordingly. The respondent will be at liberty to apply for vacation or modification of the order after filing its parawise reply to the Special Civil Application if they so desire. "

3. Reading the copy of the order, it appears that the petitioners are listed at Sl. No. 29 and 30 in the waiting list and candidates upto Sl. No. 28 in the list have already been appointed. It is not the case of the petitioners that they have been left out while candidates below them in the said list have been appointed. Moreover, the order also indicates that none appeared on behalf of the respondent; Probably, that is the reason why the learned Single Judge has given liberty to the respondents to apply for vacation or modification of the order. Moreover, the order clearly states that the petitioners' case for appointment on the post of Mukadam is to be considered "in case vacancies are available". Nothing is pointed out in the present petition that vacancies are available and yet appointments are not made or that other persons are being appointed against such vacancies.

4. In the light of the aforesaid circumstances, this application for contempt of Court cannot be entertained; Hence rejected.

csm./ -----